

## **REMARKS**

Claims 71 and 72 have been added. Claims 21, 26, 28, 29 and 33-65 have previously been cancelled. No claims have been amended. Claims 22-25, 27, 30-32 and 66, 67, and 69-72 remain pending in the present application.

### **CLAIM REJECTIONS UNDER 35 U.S.C. §103(a)**

The Examiner has rejected Claims 22, 24, 27, 30, 31 and 69 under 35 U.S.C. §103(a), alleging them to be unpatentable over Richardson et al. (U.S. Patent No. 5,283,932) in view of Gregory (U.S. Patent No. 3,710,761). The Examiner alleges that this combination would render Applicants' invention obvious to those skilled in the art.

The Examiner alleges that Richardson illustrates all of the claimed features of independent Claim 69 except for the arcuate base which the Examiner alleges is illustrated in Gregory.

Independent Claim 69 discloses a channel in a body which includes an arcuate base surface in the latch. The arcuate base surface follows the contour of the rails. Also, the latch includes a first member covered by a second member.

The Richardson reference illustrates a zipper assembly which seals a plastic bag. The zipper assembly includes a body 20 with extending sidewalls 21 and 22. The base of the body 20 includes a projecting separator finger 20a. The separator finger 20a is a vital part of the body as illustrated in Figs. 2 and 4 and as claimed in Claim 1. In Figs. 2 and 4, as can be seen, the separator finger 20a projects between the bag sides to separate one side of the bag from the other.

The Examiner combines Richardson with Gregory to teach an arcuate base surface. If, as suggested by the Examiner, the Gregory reference is combined with the

Richardson reference, it would eliminate the separator finger 20a. Elimination of the separator finger 20a would devastate the Richardson patent since Richardson would no longer be able to separate one side of the bag from the other. Thus, Richardson has no need for an arcuate surface which would follow the contour of the bag. In fact, Richardson would be render inoperable if modified as suggested by the Examiner.

Thus, Richardson, by separating the rails with the projecting finger, teaches away from following the contour of rails. Accordingly, Applicants' claims would be patentably distinct over the Examiner's combination.

Accordingly, dependent Claims 22-25, 27 and 30-32, 66-67, and 70 would be patentably distinct over the art cited by the Examiner.

The Examiner has rejected Claim 23 as being unpatentable in view of the above references further in view of Frydenberg (U.S. Patent No. 4,576,307).

The Frydenberg reference fails to overcome the deficiencies of the Examiner's combination. Thus, Claim 23 would be patentably distinct over the Examiner's Frydenberg combination.

The Examiner has rejected Claim 25 as being unpatentable over Richardson in view of Gregory further in view of Savicki (U.S. Patent No. 6,981,299). The Savicki reference was filed in 2001. This is three years after the Applicants' priority date. Accordingly, Savicki is an improper reference.

The Examiner has rejected Claim 32 as being unpatentable over Richardson in view of Gregory further in view of Eklof et al. (U.S. Patent No. 5,275,027) and Weavers (U.S. Patent No. 4,153,178).

The Eklof and Weavers references fail to overcome the deficiencies of the Richardson and Gregory combination. Accordingly, this combination would not render Applicants' claims obvious to those skilled in the art.

The Examiner has rejected Claims 66, 67, and 70 as being unpatentable over Richardson in view of Gregory further in view of Turvey et al. (U.S. Patent No. 6,442,804) and Gutman (U.S. Patent No. 3,660,875).

Turvey was filed in 1999, a year after Applicants' priority date. Accordingly, the Turvey reference is an improper reference.

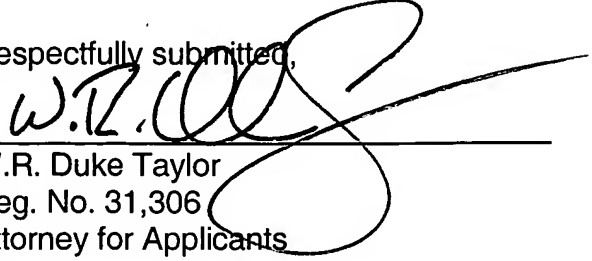
New Claim 71 further defines the arcuate base surface to be arcuate in both the lateral and longitudinal direction. None of the references cited by the Examiner illustrates such an arcuate base.

Independent Claim 72 further defines that the first member is molded with the second member. None of the references cited by the Examiner illustrate such a feature.

In light of the above amendments and remarks, Applicants submit that all pending claims are in condition for allowance. Accordingly, Applicants respectfully request the Examiner to pass the case to issue at his earliest possible convenience.

Should the Examiner have any questions regarding the present application, he should not hesitate to contact the undersigned at (248) 641-1600.

Respectfully submitted,



W.R. Duke Taylor  
Reg. No. 31,306  
Attorney for Applicants

HARNESS, DICKEY & PIERCE, P.L.C.  
P.O. Box 828  
Bloomfield Hills, MI 48303  
(248) 641-1600

Date: September 5, 2006  
WRDT/lkj

Attorney Docket No. 0275Y-000227/DVD